

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

*Middle District*DEVON CRAFT #50147-066

Petitioner

v.

R. Thompson

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

1:21-CV-1159

(Supplied by Clerk of Court)

FILED
SCRANTON

JUN 30 2021

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. PER 1

A.M.D.
DEPUTY CLERK

Personal Information

1. (a) Your full name: DEVON CRAFT
(b) Other names you have used: Ali Craft, DAVON CRAFT.
2. Place of confinement:
(a) Name of institution: Low Security Correctional Institute - Allenwood
(b) Address: P.O. Box 1000
White Deer, P.A. 17887
(c) Your identification number: 50147-066
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: United States District Court
Eastern District of Pennsylvania
(b) Docket number of criminal case: No. 2:96CR00376-001
(c) Date of sentencing: July 1, 1997
☐ Being held on an immigration charge
☐ Other (explain):

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (explain):

The computation of my sentence is incorrect. I have an additional 11 months and 15 days placed on my sentence due to improper calculations of the BOP.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

The BOP has added the GCT. Good Conduct time to the sentence instead of subtracting it.

(b) Docket number, case number, or opinion number:

BP11 no # 1031503-A1

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

On July 1, 1997 I was sentenced to 138 months. 78 months concurrent to any sentence presently being served and all months consecutive to any sentence. The BP11 was denied on 5-27-21

(d) Date of the decision or action:

5-27-21

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

I put in a BP 8 to my counselor.

(2) Date of filing:

6-11-20

(3) Docket number, case number, or opinion number:

1031503-F1

(4) Result:

Denied

(5) Date of result:

7-17-20

(6) Issues raised:

Incorrect computation of sentence 620 GCT days not subtracted from 8-5-24. Max date of 7-22-25. incorrect due to 78 months being ran concurrent to any time presently being served and I served an

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entire term of 25 years in custody.

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Federal Bureau of Prisons Northeast Regional Office.(2) Date of filing: 7-1-20(3) Docket number, case number, or opinion number: 1031503-R1(4) Result: Denied(5) Date of result: January 11, 2021(6) Issues raised: Incorrect computation of GCT to take from sentence. Time incorrect release date incorrect.

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Office of General Counsel
FBDP(2) Date of filing: 3-25-21(3) Docket number, case number, or opinion number: 1031503-A1(4) Result: Denied(5) Date of result: 5-27-21(6) Issues raised: Incorrect addition of GCT to sentence to impose more time in prison than judgement. Incorrect computation of time.

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(b) If you answered "No," explain why you did not file a third appeal:

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: The conviction was a guilty plea.

The sentence is correct by the courts. The BOP has added time to the sentence with incorrectly adding GCT days to the sentence giving me an additional 11 months and 15 days or 350 to be correct.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

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(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

On 7-1-1997 I was sentenced to 138 months imprisonment. 78 months to run concurrently to my sentences presently being served. I was arrested June 22, 1996 one year before sentencing. No presentence time has been awarded nor the completion of the 78 months concurrent sentence.

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(a) Supporting facts (Be brief. Do not cite cases or law.):

A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to or arrives voluntarily to commence service at the official detention facility at which sentence is to be served. Any part of a day in official ~~that~~ detention as a full day for prior custody time credit purposes.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No

GROUND TWO: The 78 month sentence was expired on 12-21-2002 with GCT Good Conduct Days credit of 350 days. To be applied to the remaining detainer of the consecutive sentence of 60 months minus 11 months 20 days.

(a) Supporting facts (Be brief. Do not cite cases or law.):

$6-22-1996 + 6 \text{ years} + 6 \text{ months} = 12-21-2002$
for a sentence that was imposed concurrent to any sentence presently being served all pre-trial official detention counts towards sentence.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No

GROUND THREE: The 60 ~~month~~ month sentence portion of my sentence was the final leg of the sentence imposed. After being paroled 8-6-2019 + a 60 month federal detainer my max out date is 8-5-24. Minus 620 days GCT Good Conduct time!!

(a) Supporting facts (Be brief. Do not cite cases or law.):

Paroled 8-6-19 / 60 month detainer for consecutive Federal sentence.
 $8-5-2019 + 5 \text{ years} = 8-5-2024$
 $8-5-2024 - 620 \text{ days GCT} = 1 \text{ year } 8 \text{ months } 20 \text{ days}$
 $8-5-2024 - 1 \text{ year } 8 \text{ months } 20 \text{ days}$
 $8-5-2024 - 1 \text{ year} = 8-5-23 - 8 \text{ months} = 12-5-22$
 $12-5-22 - 20 = (11-16-22) \text{ released date!!}$

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

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GROUND FOUR:

All time in official detention counts towards the service of a sentence imposed especially one that is started or recored. No prior time credit is shown in these calculations. Why is the Date Computation Begon 1-22-14?

(a) Supporting facts (Be brief. Do not cite cases or law.):

*Judgement statement,
Signed July 2, 1997*

(1-22-14) I was still serving time in the P.A. DOC. Why did the BOP pick this date to begin my Computation when I was already incarcerated since 6-22-1996. I was sentenced July 1, 1997.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

On the last appeal the BOP added (GCT) days to my sentence as if it was imposed by a Judge.

Request for Relief

15. State exactly what you want the court to do:

I want the courts to correct my release date as the sentence was imposed. 78 months concurrent sentence completed with 350 GCT days earned. 60 months from 8-5-19 with 20 months 20 days GCT deducted from sentence for True release date of 11-16-22

*8-5-2019
+ 5
8-5-2024
- 6-20-0001
11-16-2022*

*8-5-2024
- 1
8-5-2023
- 8
12-5-2022
- 20*

*620 GCT
Good
Conduct
Time!*

*78 months prior
prison
time*

350 days earned!!

11-16-2022

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

6-27-2021

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

6-27-21


Signature of Petitioner

Signature of Attorney or other authorized person, if any

LSCI-Allenwood

P.O. Box 1000

White Deer, P.A. 17887

RECEIVED
SCRANTON

JUN 30 2021

PER

DEPUTY CLERK

↔50147-066↔

Us Distric Court Of Pa Middle
235 N Washington AVE
Scranton, PA 18501
United States

